



Estate. (May. 4, 2019 Special Master Order: Procedure for Fee Applications, at 2.) I now submit this amended affidavit to include the requested information.

3. Starting on November 8, 2016, Claimant represented Sharon Nelson, Norrine Nelson, and John Nelson (“SNJ”) in matters related to the Estate of Prince Rogers Nelson.
4. During the representation of SNJ, Claimant provided legal services which benefitted the Estate as a whole. These fees included work done on behalf of the heirs vetting potential personal representatives for the Estate, and working to oppose the payment of attorneys fees from Estate funds which did not benefit the Estate.
5. I reviewed all the invoices submitted to the Court, and all of the work performed was necessary for the results obtained. The hourly rates charged by Claimant were reasonable given the amount of time and labor involved, the nature and complexity of the issues involved, and the results obtained. Charges for any unnecessary or duplicative work has been eliminated. A true and correct summary of the invoices is attached as Exhibit 1. The redactions to the document are solely an administrative method of removing portions of time entries which did not benefit the Estate and for which attorneys’ fees have not been claimed. The redacted portions of Exhibit 1 are only for time entirely unrelated to this application.

6. Five attorneys participated in the work for the benefit of the Estate: myself, Nathaniel Dahl, Adam Rohne, Rebekah Frank, and Michael Kemp. The rates of all attorneys who worked on the matter for the benefit of the Estate are reflected in Exhibit 1. At the time the work was done on the matter, myself, Mr. Dahl, Mr. Rohne, and Ms. Frank all had experience working in Estate practice, and our rates are comparable to the rates of similarly experienced attorneys in the field. Mr. Kemp worked in the civil and appellate areas of the matter and had extensive experience in those areas, and his rates are comparable to the rates of similarly experienced attorneys in the field.
7. The Special Master's directive lists eleven categories of services benefitting the Estate as a whole, and orders the parties to group the services provided within those eleven categories. Although Claimant's attorneys were involved in all aspects of the litigation, Claimant is seeking attorneys' fees only for services which benefit the Estate as a whole. Minn. Stat. § 524.3-720. These services fall into two of the eleven categories: (4) Selection of Personal Representative, and (11) General.

Category 4 (Selection of Personal Representative)

8. Choosing a personal representative to manage this Estate required considerable time and effort. The Court has already approved the award of attorneys' fees from the Estate for efforts in helping to find a personal

representative. (*See* Apr. 5, 2017 Order, at 4–5.)<sup>1</sup> The Court has also adopted the recommendations of the Special Master approving attorneys’ fees for this work, both for selection of a personal representative and in assisting with protocols. (Oct. 4, 2018 Order.) The discussions between the parties in an attempt to form a consensus as to the administration of the Estate and appointment of a Special Administrator or Personal Representative, and the work drafting and filing the documents supporting or opposing those positions, benefitted the Estate as a whole because an SA or PR is necessary for the administration of this Estate.

9. Hansen Dordell attorneys reviewed the possible candidates and offered suggestions regarding the personal representative that would be the most suitable to oversee the Estate. These efforts included reviewing and analyzing several candidates, communicating with the Court and other advisors and counsel, and ensuring that the transition from Bremer to the personal administrator did not encumber the Estate. (*See* Affidavit of Randall Sayers, Ex. 1.) SNJ presented information related to this selection at hearing and assisted the Court in vetting the candidates for the proposed co-personal representatives. The Special Master has already recognized the benefit to the Estate of “seek[ing] input and potential consensus among the heirs so as to

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<sup>1</sup> The Order granting in part and denying in part attorneys’ fees to other counsel was affirmed in part, reversed in part, and remanded for a more detailed order. *In the Matter of the Estate of Nelson*, No. A17-0880, 2018 WL 492639 \*7 (Minn. Ct. App. January 22, 2018.) Notably, however, neither any party nor the court in its opinion raises the issue that attorneys’ fees for helping select a personal representative should *not* have been allowed.

avoid litigation costly to the Estate.” (Oct. 4, 2018 Order on Remand Fee Issues, at 10.)

10. The following time entries are related to Category 4 services:
  - a. Communications with other heirs’ attorneys, potential personal representatives, and the Court in discussions about potential personal representatives:
    - i. RWS: 11/18/17, 11/21/16, 11/22/16, 11/28/16, 11/29/16, 11/30/16, 12/02/16, 12/07/16, 12/09/16
  - b. Work on strategy and documents for appointment of Personal Representative, resulting in filing of Dec. 7, 2017 documents nominating Comerica as Personal Representative, Proposed Order of General Administration, opposing Tyka Nelson’s Petition for Appointment of a Special Administrator, and documents supporting these filings.
    - i. RWS: 12/02/16, 12/07/16.
    - ii. AJR: 11/28/16, 11/29/16, 12/02/16.
    - iii. NAD: 11/30/16.
11. In addition to helping select Comerica as Personal Representative, Hansen Dordell counsel also reviewed and added insight into some of the Protocols for Bremer as Special Administrator. Hansen Dordell counsel also designed, reviewed, and discussed several additional Protocols for the Personal Representative to ensure the Estate would not suffer any negative effects when power transferred from Bremer to Comerica. Lastly, Hansen Dordell

counsel offered suggestions to the Court regarding Protocols that should be adopted regarding Comerica as Personal Representative to help maintain the balance of control between the Personal Representative and all six Heirs so the Estate could be administered efficiently. (*See Sayers Aff.*, Ex. 1.) These efforts contributed benefit to the Estate, and although the exact dollar value of such benefit is impossible to calculate, this Court has already granted attorneys' fees to other firms who similarly participated in keeping with the "big picture" and "broader strokes" guidance from the Court of Appeals. (Oct. 4, 2018 Order at 10–11.)

12. The following time entries also relate to Category 4 services:
  - a. Discussions with other attorneys, reviewing, and helping draft proposed protocols which were used to administer the Estate and govern the relationship between the PR and heirs.
    - i. RWS: 11/18/17, 11/21/16, 11/28/16.
13. In total, the attorneys' fees claimed as benefitting the Estate as a whole in the Category 4 (Selection of Personal Representative) are \$9,874.

Category 11 (General)

14. Although the Special Master has not created a separate category for these services, work done by Claimant to preserve the assets of the Estate by limiting the amount of attorneys' fees paid by the Estate has benefitted the Estate as a whole. The retention of quantifiable assets in the Estate is the

easiest example of a “benefit” to the Estate, for which attorneys’ fees may be warranted. (*See* Oct. 4, 2018 Order, at 6 n.5.)

15. Hansen Dordell’s efforts in reviewing the multitude of billing entries submitted by other Heirs’ attorneys directly helped the Estate retain money, and thus granted benefit to the Estate as a whole. Hansen Dordell attorneys went through each billing entry by other Heirs’ counsels for services claimed as benefitting the Estate, in order to ensure that the claims for attorneys’ fees were for services which benefitted the Estate. (*See* Sayers Aff., Ex. 1.) As a result of these efforts, this Court was better able to properly grant or deny attorneys’ fees claimed by counsel for the Heirs.<sup>2</sup> As the Court of Appeals noted in reviewing the award of attorneys’ fees, the Special Administrator had taken no position on the issue. *Matter of Estate of Nelson*, 2018 WL 492639 at \*2. The court noted that an award of fees to an attorney who “performs services in lieu of an attorney for the estate . . . is more likely to be just and reasonable” than services performed under other circumstances. *Id.* at 6. Hansen Dordell’s efforts benefitted the Estate as it was initially the only voice of heirs in opposition to the attorneys’ fees demanded by other attorneys.

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<sup>2</sup> As the Special Master correctly notes, there is persuasive authority to suggest that even if the services rendered were partially successful or even unsuccessful, “counsel’s participation in bringing a ‘genuine controversy’ to a fully-examined judicial conclusion was of benefit to the estate.” (Oct. 4, 2018 Order at 9 n.11) (citing *In re the Estate of Kane*, No. A15-1033, 2016 WL 1619248 \*7 (Minn. Ct. App. April 25, 2016)). Here, as noted *infra* ¶ 16, attorneys for Hansen Dordell argued for the savings of approximately \$1.6 million to the Estate.

16. Although Comerica was later appointed as Personal Representative and later joined in the defense of the Estate, the work done by Hansen Dordell helped clarify the law and the record for the Court and was done directly on behalf of the Estate. *See In re the Estate of Kane*, No. A15-1033, 2016 WL 1619248 \*7; *see also generally Metzger v. First Nat. Bank of Clearwater*, 585 So. 2d 372 (Fla. Dist. Ct. App. 1991) (holding that guardian of incapacitated ward was entitled to reimbursement for attorney fees and costs incurred in opposing efforts by ward's husband to petition joint bank accounts). This work eventually led to the more detailed work of the Special Master, which benefitted the Estate in ensuring that fees paid by the Estate gave value to the Estate. The Court initially awarded approximately \$400,000, or about one-sixth of the amount requested. *Matter of Estate of Nelson*, 2018 WL 492639 at \*1. To this, the Special Master recommended, and this Court adopted, the award of another approximately \$340,000. (Oct. 4, 2018 Order at 1, adopting Special Master's Order, at 2.) Thus, the time and effort put forth by Hansen Dordell assisted the Estate in retaining over \$1.6 million, and the fees sought by Hansen Dordell are more than commensurate with that value.
17. The following time entries are related to Category 11 services:
  - a. Reviewing attorneys' fees petitions, researching and drafting opposition to attorneys' fees petitions and defending appeal:

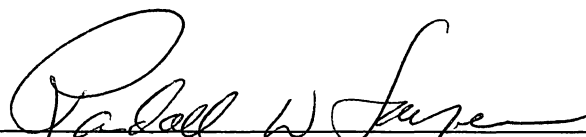


- i. RWS: 12/23/16, 12/28/16, 12/29/16, 01/06/17, 02/03/17, 02/08/17, 02/09/17, 02/17/17, 03/05/17, 03/10/17, 07/25/17, 07/31/17.
  - ii. NAD: 12/22/16, 12/28/16, 12/29/16, 01/04/17, 01/05/17, 01/06/17, 02/16/17, 02/17/17, 02/22/17, 03/04/17, 03/09/17, 03/10/17, 07/05/17, 07/06/17.
  - iii. AJR: 12/28/16, 01/06/17, 02/10/17, 02/17/17, 03/07/17, 03/10/17.
  - iv. RAF: 12/19/16, 01/03/17, 01/04/17, 01/05/17, 01/06/17, 02/10/17, 02/13/17, 02/15/17, 02/16/17, 03/01/17, 03/06/17, 03/08/17, 03/09/17, 03/10/17, 07/06/17, 07/10/17, 07/12/17, 07/23/17, 07/26/17, 07/27/17.
  - v. MEK: 07/05/17, 07/06/17, 07/07/17, 07/10/17, 07/26/17, 07/27/17, 07/30/17, 07/31/17.
18. In total, the attorneys' fees claimed benefitting the Estate as a whole in Category 11 (General) are \$27,578.
19. In light of the benefits to the Estate of the work done by Hansen Dordell and in light of this Court's Order, it is appropriate that the Estate compensate Claimant in the amount of \$37,452.00 as reflected in Exhibit 1.

I declare under penalty of perjury that everything in this affidavit is true and correct.

Signed in this State of Minnesota,  
County of Ramsey

Dated: 5/8, 2019

By   
Randall W. Sayers, #130746